

1 BILL NO. G-85-06-31

2 GENERAL ORDINANCE NO. G-19-85

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating an portion of an alley.

6 WHEREAS, a petition to vacate a portion of an alley within
7 the City of Fort Wayne (as more specifically described below) was duly
8 filed with the City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its recommendation
12 to this body approving said petition, all in accordance with I.C. 36-7-
13 4-512(2); and

14 WHEREAS, this body concurs in the recommendation of the
15 City Planning Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
17 THE CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a portion
19 of an alley within the City of Fort Wayne, more specifically described
20 as follows, to-wit:

21 That portion of the alley running South from Darrow
22 Street which runs parallel to and West of South
23 Clinton Street, the portion of said alley to be
24 vacated being from the South line of Lots six (6)
25 and sixty-one (61) in Dreibelbiss Addition to the
26 North line of East Oakdale Avenue

27 and which vacating amends the Thoroughfare Plan of the City Compre-
28 hensive ("Master") Plan and is hereby approved in all respects.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage, any and all necessary approval by
31 the Mayor.

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25% COTTON

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APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

**Public hearing to be held on _____, the _____
day of _____, 19_____, in the Council
Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Redd, seconded by Delaney, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M.,E.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Delaney, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	_____	<u>2</u>	<u>2</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	<u>✓</u>	_____	_____
<u>BURNS</u>	_____	_____	<u>✓</u>	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	<u>✓</u>	_____

DATE: 8-13-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 5-19-85

on the 13th day of August, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of August, 1985, at the hour of 11:00 o'clock 11.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 1985, at the hour of 12:30 o'clock P.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION - CITY OF FORT WAYNE, INDIANA

The undersigned Petitioner, Fort Wayne Community Schoools, an Indiana school corporation, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of an alley within the City of Fort Wayne, Indiana, and hereby described as follows:

That portion of the alley running South from Darrow Street which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition, to the North line of East Oakdale Avenue.

In support thereof, your Petitioner would represent as follows:

1. That it is the only owner of the real estate abutting both sides of the portion of the said alley.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that the said vacation would be in the best interest of the City and the citizens thereof.

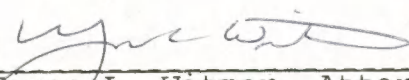
Your Petitioner files this petition pursuant to authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above-described.

WHEREFORE, your Petitioner prays that the above-described alley be vacated according to the provisions of Indiana Law pertaining thereto.

DATED this 21st day of March, 1985.

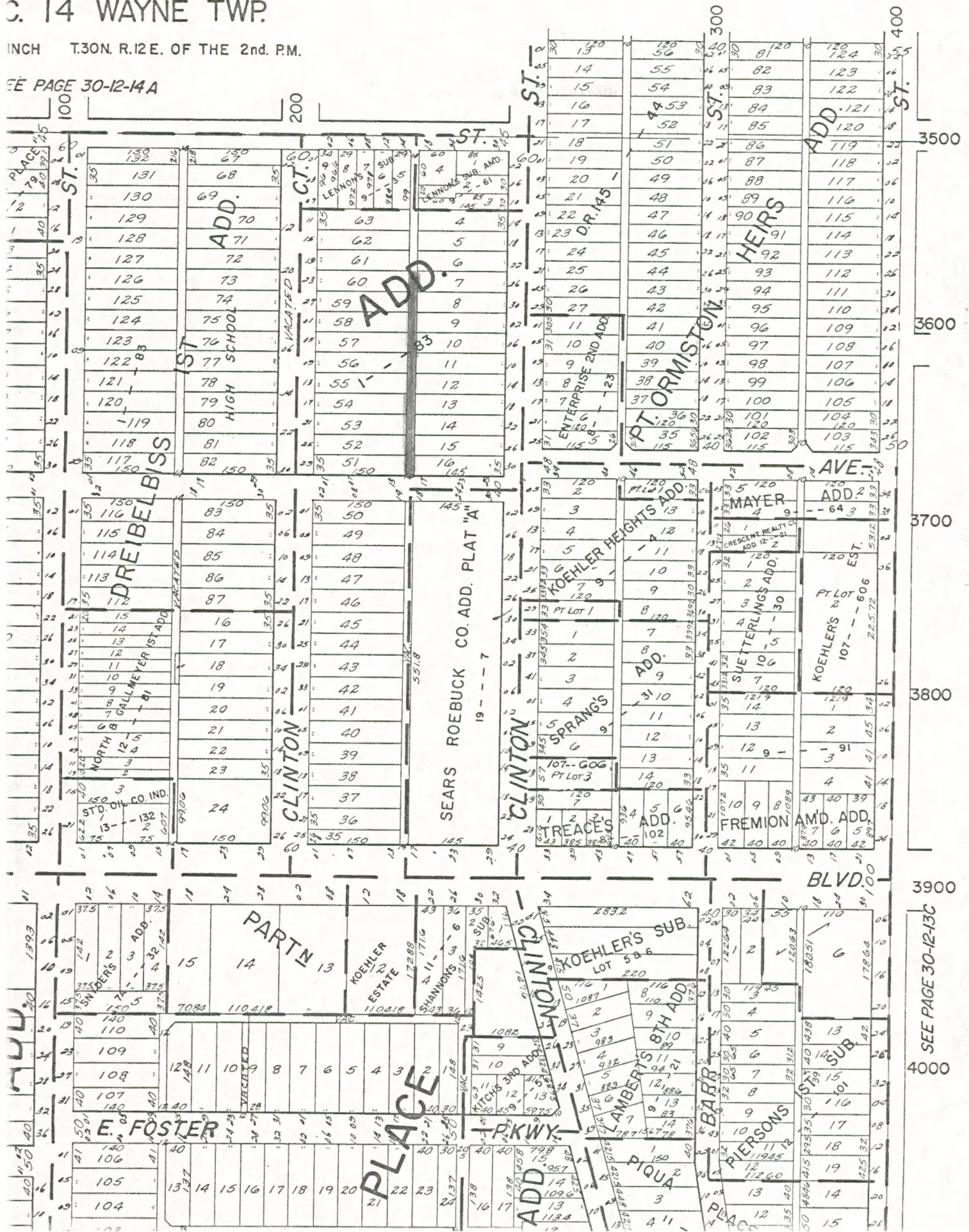
FORT WAYNE COMMUNITY SCHOOLS
1230 South Clinton Street
Fort Wayne, IN 46802

By


Wayne L. Witmer, Attorney
Third Floor
Lincoln Bank Tower
Post Office Box 2263
Fort Wayne, IN 46801
(219) 423-9551

30-12-14 D

EE PAGE 30-12-14 A



75-52-20

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of an alley situated in Fort Wayne, Allen County, to-wit:

That portion of the alley running South from Darrow Street which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the North line of East Oakdale Avenue

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of an alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of an alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of an alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, David Bester, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held 7-3-85 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 3rd DAY OF July 19 85

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

R E S O L U T I O N

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of an alley in Fort Wayne, Allen County, to-wit:

That portion of the alley running South from Darrow Street which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition to the North line of East Oakdale Avenue

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 17, 1985 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of alley.

WHEREAS, said vacation of the portion of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of alley in Allen County, Indiana.

STATE OF INDIANA)

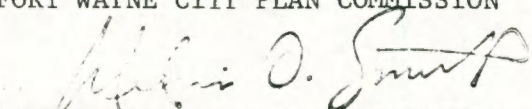
) SS:

COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 22, 1985, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF June 1985

FORT WAYNE CITY PLAN COMMISSION



Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

ORIGINAL

D-85-06-31

TITLE OF ORDINANCE Alley Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE Portion of the alley running South from Darrow Street
which runs parallel to and West of South Clinton Street.EFFECT OF PASSAGE Property is now public right-of-way. Property will be
closed to public and revert to the adjacent property owners.EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

G-85-06-31

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance**DETAILS****Specific Location and/or Address**

Portion of alley south from Darrow St., which runs parallel to and west of South Calhoun.

Reason for Project

To be maintained for possible future plans for Fort Wayne Community Schools.

Discussion (Including relationship to other Council actions)

17 June 1985 - Public Hearing

Wayne Witmer, attorney for the petitioners Fort Wayne Community Schools stated that the vacation request is near South Side High School. He stated that a portion of the alley had been vacated 4 or 5 years ago at the time when the Community Schools purchased most of the homes along South Clinton Street in this area. He stated that there were one or two homes that remained and that is why the school did not vacate the entire alley at that time. He stated that now all of the homes in that particular block have been purchased by FWCS, they own both sides of the alley for which they are requesting the vacation. He stated that all of the homes have been demolished and there is no need for access on this portion of alley. He stated that presently the school has no plans for this portion of alley but they do wish this portion vacated so that if in the future they do have plans they will be prepared.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Fort Wayne Community Schools
City Department

Other

Opponents**Groups or Individuals**

None

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

24 June 1985 - Business Meeting

Motion was made and carried to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of approval one (1) did not vote.

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date

21 March 1985

Projected Completion or Occupancy

Date

27 June 1985

Fact Sheet Prepared by

Date

27 June 1985

Patricia Biancaniello

Reviewed by

Date

27 June 1985

Gary F. Baeten, Senior Planner

Reference or Case Number

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10899

FT. WAYNE, IND., 3-21- 1975

RECEIVED FROM Donnell, R. & M. W. Jones \$ 100.00

THE SUM OF One Hundred & 00/100 100 DOLLARS

ON ACCOUNT OF Arthur F. Jones

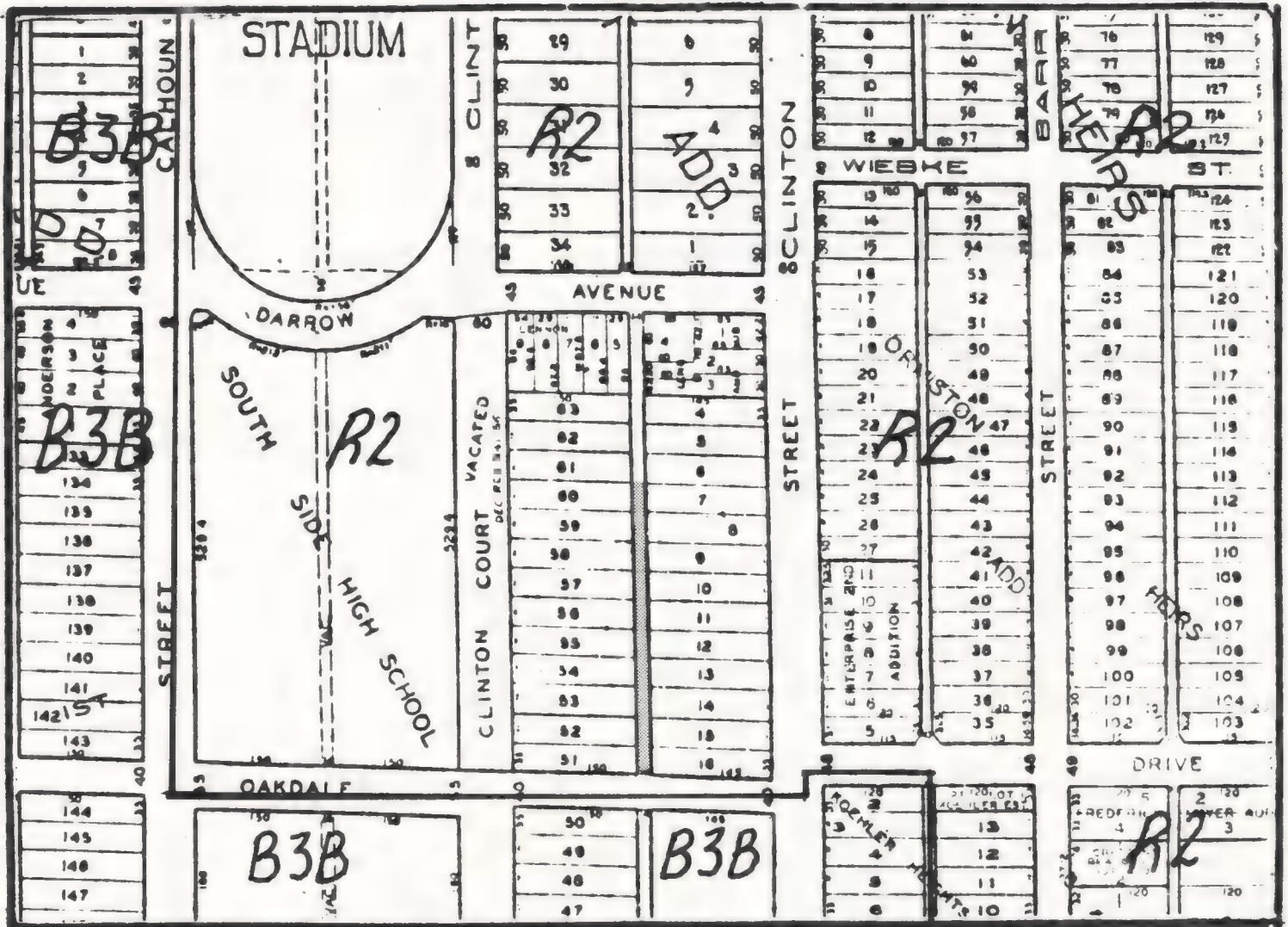
AUTHORIZED SIGNATURE

VACATION PETITION #125

A PETITION TO VACATE THE DESCRIBED PORTION OF ALLEY

MAP NO. M-11

COUNCILMANIC DISTRICT NO. 5



Zoning:

Land Use:

R2 RESIDENTIAL

B3B GENERAL BUSINESS B

BILL NO. G-85-06-31

Scale: 1"=200'

Date: 4-25-85



PROPOSAL:

Fort Wayne Community Schools petitions for the vacation of a portion of an alley.

GENERAL INFORMATION:

Location:

The alley that runs south from
Darrow Avenue, and west of Calhoun.

Legal Description:

Metes & Bounds in File

Size of Property:

Less than 1/6 th of an acre.

Surrounding Land Use & Zoning:

The block encompassed by Darrow Avenue,
Clinton Street, Oakdale and Calhoun Street
is zoned R-2. South Side High School is
located in the block.

PLANNING STAFF DISCUSSION:

Petitioner represents that they are the owner of all abutting real estate.
We see no objection to vacation providing that all utility easements are
retained.

RECOMMENDATION:

Conditional Approval

- 1.) Applicant provide utility easements.
- 2.) Vacation petition be also signed by the remaining property owners that
abut the North-South alley.

School commission

NOTICE OF PUBLIC HEARING

You are notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 17, 1985 at 7:00 p.m. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on a proposed vacation of a portion of an alley, more particularly described as follows:

That portion of the alley running South from Darrow Street, which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition, to the North line of East Oakdale Avenue.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary



The City of Fort Wayne

July 22, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of July 25, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-06-31
Alley vacation

Bill No. G-85-06-30
Utility Easement

Bill No. G-85-06-32
Utility Easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



The City of Fort Wayne

July 19, 1985

Wayne Witmer
3rd Floor
Lincoln National Bank Bldg
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-85-06-31

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in the Common Council Conference Room, 1st Floor, One Main Street, Fort Wayne, Indiana on the following:

That portion of the alley running South from Darrow Street, which runs parallel to the West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots (6) and sixty-one (61) in Drebelbiss Addition, to the North line of East Oakdale Avenue

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING

FORT WAYNE COMMON COUNCIL

BILL NO. G-85-06-31

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of the alley running South from Darrow Street, which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition, to the North line of East Oakdale Avenue.

All interested persons are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

JOURNAL-GAZETTE

P.O. BOX 100

FORT WAYNE, INDIANA

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines	3
Body number of lines	14
Tail number of lines	3
Total number of lines in notice	20

COMPUTATION OF CHARGES

20 lines, 1 columns wide equals 20 equivalent lines at .300¢	\$ 6.00
cents per line	
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra	1.00
TOTAL AMOUNT OF CLAIM	\$ 7.00

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date

July 26, 1985

Title

CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows: 7/26/85

Subscribed and sworn to me before this 26th day of July, 1985

Shelley R. LaRue
Notary Public

My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-31

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of the alley running South from Darrow Street, which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition, to the North line of East Oakdale Avenue.

All interested persons are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

7/26

PUBLISHER'S CLAIM

LINE COUNT		
Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	3
Body	number of lines	14
Tail	number of lines	3
Total number of lines in notice		20

COMPUTATION OF CHARGES			
20	1	20	.300¢
lines, columns wide equals		equivalent lines at	\$ 6.00
cents per line			
Additional charge for notices containing rule or tabular work (50 per cent of above amount)			
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra			
TOTAL AMOUNT OF CLAIM			\$ 7.00

DATA FOR COMPUTING COST	
Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 26, 1985 Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/26/85

Subscribed and sworn to me before this 26th day of July 1985

Shelley R. LaRue Notary Public

My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-31

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of the alley running South from Darrow Street, which runs parallel to and West of South Clinton Street, the portion of said alley to be vacated being from the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition, to the North line of East Oakdale Avenue.

All interested persons are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk

7/26

BILL NO. G-85-06-31

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating an
portion of an alley

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXXXX~~ (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

Charles B. Redd
CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier
JAMES S. STIER

Ben A. Eisbart
BEN A. EISBART

Donald J. Schmidt
DONALD J. SCHMIDT

CONCURRED IN 8-13-85

SANDRA E. KENNEDY
CITY CLERK